UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSBOURNE HENRIQUES,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER MICHAEL CARLIO (Tax Reg. No. 934580), POLICE OFFICER JOHN DOES 1-7.

Defendants.

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SCHEDULING ORDER

10 CV ~~6425~~ 6245 (SAS) (HB P)

Conference Date:

November 3, 2010 at 5:00 PM

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/3/10

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on September 29, 2010 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

(1) The date of the conference:

November 3, 2010

The appearances for the parties:

Plaintiff Osbourne Henriques by Robert Marinelli, Esq.
Defendant City of New York by Brian Francolla, Assistant Corporation Counsel_

(2) A concise statement of the issues as they then appear:

Plaintiff alleges that on June 16, 2010, defendants falsely arrested him, used excessive force, and made false allegations about him to the New York County District Attorney's Office.

Defendant asserts that there was probable cause for plaintiff's arrest and detention. Defendant also asserts that any force used in arresting plaintiff was objectively reasonable. Further, defendant denies municipal liability in that defendant City did not maintain an unconstitutional policy or practice that caused the alleged violation of plaintiff's civil rights.

(3) A schedule including:

(a) The names of the persons to be deposed and a schedule of planned depositions:

Plaintiff intends to take the following depositions: Michael Carlio and any other police officer involved in the arrest or strip search of plaintiff. Plaintiff reserves the right to depose additional persons with relevant knowledge should any be identified during the course of discovery.

Defendant anticipates deposing plaintiff, Osbourne Henriques. Defendant reserves the right to depose additional persons with relevant knowledge should any be identified during the course of discovery.

Time when depositions will be completed: **March 1, 2011**

(b) A schedule for the production of documents:

Initial disclosures to be produced by:	**November 15, 2010**
Document discovery to close:	**March 1, 2011**

(c) Dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:

Expert discovery not anticipated

(d) Time when discovery is to be completed:

Plaintiff proposes: **March 1, 2011**

Defendants propose: **March 1, 2011**

(e) The date by which plaintiff will supply his pre-trial order matters to defendant:

March 15, 2011

(f) The date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial:

April 1, 2011

(g) A space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference

March 11 at 4:30

(4) A statement of any limitations to be placed on discovery, including any protective or confidentiality orders:

None at this time

(5) A statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement:

None at this time

(6) Anticipated fields of expert testimony, if any:

None anticipated

(7) Anticipated length of trial and whether to court or jury:

2-3 days by jury

(8) The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

Robert Marinelli, Esq.,
Attorney for plaintiff
305 Broadway, 14th Floor
New York, NY 10007
(212) 822-1427

By:______________________
Robert Marinelli, Esq.

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street
New York, New York 10007
(212) 788-0988

By:______________________
Brian Francolla
Assistant Corporation Counsel

SO ORDERED:

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SHIRA A. SCHEINDLIN, U.S.D.J.

11/3/10